IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4784 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VIKAS MANDAL

Versus

DIRECTOR OF PRIMARY EDU.

Appearance:

1. Special Civil Application No. 4784 of 2002

MS MAMTA R VYAS for Petitioner No. 1

MS S.B. TRIVEDI, A.G.P for Respondent No. 1-2

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 07/05/2002

ORAL JUDGEMENT

Looking to the facts of the case, learned A.G.P Ms S.B. Trivedi was requested to appear for the respondent authorities.

Rule. Service of rule is waived by learned A.G.P. Ms S.B. Trivedi for the respondent authorities. Looking to the facts of the case, the petition is finally heard today, at the request of learned advocates.

The grievance which the petitioner has ventilated in the petition is with regard to not taking decision by Respondent no. 1 on an application submitted by the petitioner for closure of classes.

It has been submitted by learned advocate Ms Mamta Vyas that as strength of the students in the school run by the petitioner was declining day by day, the petitioner had made a request to respondent no. 2 for permitting the petitioner Institute to reduce number of classes. A copy of the application dated 29th January, 2002 addressed to the District Education Officer, was also forwarded to the Director of Primary Education.

It has been submitted by the learned advocate for the petitioner that in pursuance of the application submitted by the petitioner, the petitioner was also heard by the District Education Officer on 2nd May, 2002. It has been submitted by the learned advocate that if the said application is not finally decided by the commencement of the next academic year, the petitioner would be put to difficulty and, therefore, it has been prayed that respondent no. 1 be directed to pass suitable order on the application for closure of classes.

Learned A.G.P Ms S.B. Trivedi has submitted that application is pending and it must be under scrutiny of the concerned respondent. It has been submitted by the petitioner that due effort shall be made to see that the application is decided as soon as possible.

Upon hearing the learned advocates, it is clear that the application submitted by the petitioner has not been decided so far. It is not in dispute that the application must be decided as soon as possible so as to avoid further complications, because if the application is not granted, the petitioner shall be constrained to continue the classes, though there may not be sufficient students.

Looking to the above facts, it is directed that respondent no. 1 shall take final decision on the application in accordance with law, as soon as possible and preferably within a period of two weeks from the date of receipt of this order.

Rule is made absolute with no order as to costs.
Direct service is permitted.

(A.R. DAVE,J.)

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